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SENATE BILL 145

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; CHANGING THE CAP ON DUE PROCESS
REIMBURSEMENTS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-29-2 NMSA 1978 (being Laws 1986,
Chapter 94, Section 2) is amended to read:

"22-29-2. PURPOSE OF ACT.--The purpose of the Public
School Insurance Authority Act is to provide comprehensive core
insurance programs, including reimbursement coverage for the
costs of providing due process to students with disabilities,
for all participating public schools, school board members,
school board retirees and public school employees and retirees
by expanding the pool of subscribers to maximize cost
containment opportunities for required insurance coverage."

Section 2. Section 22-29-12 NMSA 1978 (being Laws 2007,

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1 Chapter 236, Section 3) is amended to read:

2 "22-29-12. DUE PROCESS REIMBURSEMENT.--The authority
3 shall include due process reimbursement in its self-insured
4 retention risk pool. Each year, the legislature shall
5 authorize the board to collect the due process reimbursement
6 premium from member districts and charter schools to cover the
7 cost of due process reimbursement. From the authorization, the
8 board shall allocate due process reimbursement premiums based
9 on a school district's or charter school's claims experience
10 and other criteria determined by the board. A single due
11 process reimbursement shall not exceed [~~three hundred thousand~~
12 ~~dollars (\$300,000)~~] one hundred thousand dollars (\$100,000)."

13 Section 3. APPROPRIATION.--One million five hundred
14 thousand dollars (\$1,500,000) is appropriated from the general
15 fund to the state equalization guarantee distribution for
16 expenditure in fiscal year 2009 to fund the cost of due process
17 reimbursement insurance coverage. Any unexpended or
18 unencumbered balance remaining at the end of fiscal year 2009
19 shall not revert to the general fund.

20 Section 4. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2008.

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